

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hannah Sampson	Team: Squad #7	CCRB Case #: 201803727	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/26/2018 4:30 PM	Location of Incident: 586 Conduit Boulevard, 75th Precinct Stationhouse	Precinct: 75	18 Mo. SOL 10/26/2019	EO SOL 10/26/2019	
Date/Time CV Reported Tue, 05/01/2018 11:35 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/11/2018 11:09 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Teriq Grant	12175	954893	075 PCT
2. POM Ryan Olsen	11530	949417	075 PCT
3. POM Francesco Iorio	05463	956763	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Vincent Calderone	2981	936038	075 PCT
2. POM Sean Collins	29210	954654	075 PCT
3. DTS Mark Scarlatelli	06287	937502	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Ryan Olsen	Abuse: At 586 Conduit Boulevard in Brooklyn, Police Officer Ryan Olsen stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Ryan Olsen	Force: At 586 Conduit Boulevard in Brooklyn, Police Officer Ryan Olsen used physical force against § 87(2)(b)	
C.POM Ryan Olsen	Discourtesy: At 586 Conduit Boulevard in Brooklyn, Police Officer Ryan Olsen spoke discourteously to § 87(2)(b)	
D.POM Ryan Olsen	Abuse: At 586 Conduit Boulevard in Brooklyn, Police Officer Ryan Olsen threatened § 87(2)(b) with the use of force.	
E.POM Ryan Olsen	Off. Language: At 586 Conduit Boulevard in Brooklyn, Police Officer Ryan Olsen made remarks to § 87(2)(b) based upon the perceived mental status of § 87(2)(b)	
F.POM Ryan Olsen	Discourtesy: At 586 Conduit Boulevard in Brooklyn, Police Officer Ryan Olsen acted discourteously toward § 87(2)(b)	
G.POM Ryan Olsen	Off. Language: At 586 Conduit Boulevard in Brooklyn, Police Officer Ryan Olsen made remarks to § 87(2)(b) based upon race.	

Officer(s)	Allegation	Investigator Recommendation
H.POM Teriq Grant	Discourtesy: At 586 Conduit Boulevard in Brooklyn, Police Officer Teriq Grant spoke discourteously to § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
L.POM Ryan Olsen	Discourtesy: At the 75th Precinct Stationhouse in Brooklyn, Police Officer Ryan Olsen spoke discourteously to § 87(2)(b)	

Case Summary

On May 1, 2018, Captain Philip Aversano of IAB informed IAB that Inspector John Chell of the 75th Precinct reviewed BWC footage of this incident and discovered multiple possible FADO allegations. IAB then generated a complaint on behalf of § 87(2)(b) under original log number 18-16691 [BR 01]. The CCRB received the case on May 11, 2018. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

On April 26, 2018, at approximately 4:30 p.m., PO Ryan Olsen, previously of the 75th Precinct (PO Olsen was later transferred to the Warrant Section), stopped § 87(2)(b) at the BP gas station located at 586 Conduit Boulevard in Brooklyn (**Allegation A: Abuse of Authority**, § 87(2)(g)). PO Olsen brought § 87(2)(b) to the ground and allegedly struck him in the neck, jaw, or shoulder with his elbow (**Allegation B: Force**, § 87(2)(g)). PO Olsen stated, “I’m gonna fuck you up, you motherfucker” (**Allegation C: Discourtesy**, § 87(2)(g); **Allegation D: Abuse of Authority**, § 87(2)(g)). He also stated, “You’re an idiot, you fucking moron” and referred to § 87(2)(b) as a “stupid motherfucker” (**Allegation C continued**). He then said, “Do you think I’m fucking retarded?” and commented, “This is fucking – God gave us this one. Fucking retard. What’s wrong with you? Are you fucking retarded?” (**Allegation C continued; Allegation E: Offensive Language**, § 87(2)(g)). As § 87(2)(b) attempted to sit up, PO Olsen said, “Stay down. I didn’t tell you to get the fuck up” (**Allegation C continued**). He then stated, “Stop fucking around” and picked up § 87(2)(b)’s cell phone and threw it onto the ground (**Allegation C continued; Allegation F: Discourtesy**, § 87(2)(g)). PO Olsen then referred to § 87(2)(b) as a “moron” and asked § 87(2)(b) if he was going to act like a gentleman or if he needed to “treat § 87(2)(b) like an animal again” (**Allegation C continued; Allegation G: Offensive Language**, § 87(2)(g)). When PO Olsen searched § 87(2)(b) he emptied the contents of § 87(2)(b)’s pockets onto the ground (**Allegation F continued**). PO Olsen then asked § 87(2)(b) if he thought he would get away from him on his “piece of shit bike” and then referred to § 87(2)(b) as “fucking crazy” (**Allegation C continued**). PO Olsen then commented that he thought he “pressed Premium when he put § 87(2)(b)’s face into [the gas pump]” (**Allegation C continued**). PO Grant also commented that § 87(2)(b) put expensive gas in his motorcycle and said, “Holy shit” (**Allegation H: Discourtesy**, § 87(2)(g)). PO Olsen said, “Damn, this place is hot today” and PO Grant referred to § 87(2)(b) as “stupid” (**Allegations C and H continued**). § 87(4-b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) was arrested and transported to the 75th Precinct Stationhouse. At the stationhouse, PO Olsen made the following comments, “What the hell does that mean,” “God dammit,” “It’s dark as shit,” and asked § 87(2)(b) “Have I been an asshole?” (**Allegation L: Discourtesy**, § 87(2)(g)).

BWC footage exists of this incident. The videos were recorded by PO Olsen and are linked to Board Reviews 05 and 06. Surveillance footage was also obtained from the BP gas station. The full videos are linked to Board Reviews 07 through 13. The relevant portions are referenced below.

Findings and Recommendations

Allegation A – Abuse of Authority: At 586 Conduit Boulevard in Brooklyn, Police Officer Ryan Olsen stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation B – Force: At 586 Conduit Boulevard in Brooklyn, Police Officer Ryan Olsen used physical force against § 87(2)(b)

It is undisputed that when PO Olsen stopped § 87(2)(b) § 87(2)(b) was in possession of a stolen motorcycle that did not have a rear license plate. It is further undisputed that when PO Olsen confronted § 87(2)(b) about the motorcycle inside the gas station, § 87(2)(b) left the gas station and mounted the motorcycle. It is undisputed that PO Olsen followed § 87(2)(b) out of the gas station and brought him to the ground.

§ 87(2)(b) provided a phone statement to the CCRB on May 29, 2018 [BR 14]. As mentioned above, § 87(2)(b) refused to provide a sworn statement regarding this incident. In his phone statement, § 87(2)(b) stated that PO Olsen asked him something about his motorcycle but § 87(2)(b) did not recall exactly what PO Olsen said. § 87(2)(b) did not recall if or how he responded to PO Olsen's question. He then left the gas station, walked to his motorcycle, and mounted it. PO Olsen approached § 87(2)(b) and elbowed him in the neck, jaw, or shoulder, causing § 87(2)(b) to fall onto his motorcycle. § 87(2)(b) moved his whole body, including his arms and legs, while PO Olsen and PO Grant attempted to handcuff him but the officers handcuffed him quickly. § 87(2)(b) sustained bruising and scrapes to his right knee due to this incident.

The CCRB identified two employees of the BP gas station, § 87(2)(b) and § 87(2)(b) that were working during this incident. § 87(2)(b) and § 87(2)(b) were both reached via telephone on May 20, 2019 [BR 29]. § 87(2)(b) said that he was working at the cash register when § 87(2)(b) entered the gas station. § 87(2)(b) waited in line to purchase gas and then left very quickly when he saw the police. When § 87(2)(b) looked up again, the officers were outside, roughly 40 feet away, apprehending § 87(2)(b). § 87(2)(b) stated that he did not witness any portion of this incident.

PO Olsen prepared a TRI Report [BR 18] which notes that § 87(2)(b) wrestled/grappled and pushed/shoved the officers and that a forcible takedown was used. It also notes that § 87(2)(b) sustained minor lacerations/abrasions. PO Olsen was interviewed at the CCRB on September 6, 2019 [BR 15]. He stated that prior to encountering § 87(2)(b) at the gas station, he observed § 87(2)(b) cut in front of their police vehicle, drive between parked cars and traffic, make a right turn at a red light, and noticed that his motorcycle did not have any license plates. The officers did not stop § 87(2)(b) because they are prohibited from chasing motorcyclists. Within one minute later, the officers encountered § 87(2)(b) at the BP gas station located at 586 Conduit Boulevard. PO Olsen asked § 87(2)(b) why he did not have any plates on his motorcycle. § 87(2)(b) immediately ran from PO Olsen, mounted his motorcycle, and attempted to hotwire it. At that time, PO Olsen determined that § 87(2)(b) was under arrest for the prior traffic infractions and for fleeing from police. PO Olsen chased after § 87(2)(b) grabbed ahold of § 87(2)(b)'s torso and arms to handcuff him. PO Olsen was pressed against § 87(2)(b)'s back which caused both men to fall toward the gas pump. PO Olsen denied that he struck § 87(2)(b) with his elbow in any way.

PO Grant prepared § 87(2)(b)'s arrest report [BR 28]. § 87(2)(b) was charged with § 87(2)(b)

§ 87(2)(b) The narrative section notes that § 87(2)(b) was found in possession of a loaded firearm but does not contain any other information.

PO Grant was interviewed at the CCRB on July 11, 2019 [BR 16], and PO Iorio was interviewed at the CCRB on July 18, 2019 [BR 17]. PO Grant and PO Iorio were consistent that they observed § 87(2)(b) on his motorcycle before they encountered him at the gas station. They also noticed that § 87(2)(b) did not have a rear license plate on his motorcycle but said no enforcement action was taken at that time. PO Grant said that § 87(2)(b) was on his way out of the gas station when PO Olsen asked if he had a license plate on his motorcycle. § 87(2)(b) did not respond to PO Olsen's question and continued walking out of the gas station. PO Grant could not recall the pace at which § 87(2)(b) left the gas station. PO Iorio was consistent with PO Olsen and stated that § 87(2)(b) ran out of the gas station when PO Olsen addressed him. PO Grant said that PO Olsen grabbed § 87(2)(b) by his torso and that he and PO Olsen fell to the ground because § 87(2)(b)'s motorcycle was in the way of their apprehension. PO Grant did not recall observing PO Olsen elbow § 87(2)(b) as alleged. PO Iorio stated that by the time he reached his partners, § 87(2)(b) was already on the ground. He did not see how § 87(2)(b) reached the ground and did not observe PO Olsen strike § 87(2)(b) with his elbow as described. All three officers were consistent that § 87(2)(b) refused to give the officers his hands. PO Olsen and PO Iorio stated that § 87(2)(b) tucked his hands in front of his chest. PO Iorio added that § 87(2)(b) also flailed his arms. PO Grant said that § 87(2)(b) "interlocked" his arms and moved his arms away from the officers but could not describe § 87(2)(b)'s movements further.

BWC [BR 05] and surveillance footage [BR 19] from the incident confirm that PO Olsen encountered § 87(2)(b) inside the gas station and addressed him. The surveillance footage also shows that § 87(2)(b) turned and walked away from PO Olsen and that PO Olsen immediately followed him. § 87(2)(b) then mounted his motorcycle and PO Olsen grabbed him by his arm and torso, pushed him towards the gas pump, and wrestled him to the ground [BR 20]. PO Grant assisted in bringing § 87(2)(b) to the ground by pulling him by the waistband and PO Iorio assisted by trying to grab § 87(2)(b)'s hands. § 87(2)(g)

§ 87(2)(b) The surveillance footage confirms that § 87(2)(b)'s motorcycle did not have a rear plate. The footage does not capture the front of § 87(2)(b)'s motorcycle.

New York State Vehicle and Traffic Law §402(1)(a) requires that motorists display a license plate on the front and rear of their vehicle [BR 21].

Patrol Guide Procedure 221-01 states that officers may use force when it is reasonable to place a person in custody. The force must be reasonable under the circumstances [BR 22].

§ 87(2)(g)

§ 87(2)(b) alleged that he fell onto his motorcycle because PO Olsen struck him in the neck, jaw, or shoulder with his elbow. However, surveillance footage from the gas station shows that § 87(2)(b) fell onto his motorcycle after PO Olsen grabbed/pushed him by the arm

and torso. It does not show PO Olsen strike § 87(2)(b) in the manner described. Although the surveillance footage shows that PO Olsen did not use the exact force § 87(2)(b) alleged, it does show that he used physical force to bring § 87(2)(b) to the ground. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation C – Discourtesy: At 586 Conduit Boulevard in Brooklyn, Police Officer Ryan Olsen spoke discourteously to § 87(2)(b)

Allegation D – Abuse of Authority: At 586 Conduit Boulevard in Brooklyn, Police Officer Ryan Olsen threatened § 87(2)(b) with the use of force.

Allegation E – Offensive Language: At 586 Conduit Boulevard in Brooklyn, Police Officer Ryan Olsen made remarks to § 87(2)(b) based upon the perceived mental status of § 87(2)(b)

Allegation F – Discourtesy: At 586 Conduit Boulevard in Brooklyn, Police Officer Ryan Olsen acted discourteously toward § 87(2)(b)

Allegation G – Offensive Language: At 586 Conduit Boulevard in Brooklyn, Police Officer Ryan Olsen made remarks to § 87(2)(b) based upon race.

Allegation H – Discourtesy: At 586 Conduit Boulevard in Brooklyn, Police Officer Teriq Grant spoke discourteously to § 87(2)(b)

Allegation L – Discourtesy: At the 75th Precinct Stationhouse in Brooklyn, Police Officer Ryan Olsen spoke discourteously to § 87(2)(b)

It is undisputed that at the scene of § 87(2)(b)'s arrest, PO Olsen and PO Grant used profanity towards him, that PO Olsen threatened § 87(2)(b) with the use of force, that PO Olsen and PO Grant made comments regarding § 87(2)(b)'s perceived intellect, that PO Olsen made comments regarding § 87(2)(b)'s race, and that PO Olsen acted discourteously towards § 87(2)(b). It is further undisputed that PO Olsen used profanity while processing § 87(2)(b) at the 75th Precinct Stationhouse.

§ 87(2)(b) alleged that PO Olsen said something about almost breaking his jaw but he did not recall the exact words PO Olsen used. § 87(2)(b) did not allege that PO Olsen made any of the statements captured on his BWC.

Prior to reviewing his BWC footage, PO Olsen acknowledged that he used profanity during this incident. He did not recall the exact words he used, but said that he used the profanity because he was “worked up” and because he did not know where § 87(2)(b)'s hands were when he initially brought him to the ground. Because PO Olsen could not see § 87(2)(b)'s hands, he did not know what was going to happen. Also prior to reviewing the footage, he said that it was “possible” that he referred to § 87(2)(b) as an “idiot,” a “moron” or as “retarded.” Before reviewing the footage, PO Olsen denied that he referred to § 87(2)(b) as an “animal” but acknowledged referring to § 87(2)(b)'s behavior as “animalistic.” PO Olsen explained that he felt it was animalistic for § 87(2)(b) not to listen or follow directions and for him to do “whatever he wanted.” PO Olsen initially said that he directed § 87(2)(b) to give him his hands and believed he instructed him to stop wrestling although he could not recall the exact words he used. PO Olsen later said that he knew he gave § 87(2)(b) commands but could not recall exactly what he said. He also said that after § 87(2)(b) was handcuffed, he began

reaching towards his back pocket. At first, PO Olsen did not know what § 87(2)(b) was reaching for, but then saw that § 87(2)(b) had removed his cell phone from his pocket. PO Olsen took the cell phone from § 87(2)(b) and “placed” it on the ground. PO Olsen acknowledged that he searched § 87(2)(b) but was not aware of any of the contents of that search being discarded on the ground.

PO Olsen reviewed his entire BWC footage from the scene of § 87(2)(b)'s arrest during his CCRB interview. As noted above, the footage shows PO Olsen follow § 87(2)(b) out of the gas station and shows § 87(2)(b) mount his motorcycle. The audio begins after PO Olsen made physical contact with § 87(2)(b). While bringing § 87(2)(b) to the ground, PO Olsen said, “I’m gonna fuck you up, you motherfucker. You better stop.” PO Olsen maintained that he made the statement because he was “worked up.” PO Olsen acknowledged that there was no reason to “fuck § 87(2)(b) up” at the time of the statement, but said he could have used physical force, including hand strikes, to gain compliance. PO Olsen said, “You better stop” in reference to § 87(2)(b) fleeing and not giving up his hands. The footage also shows that PO Olsen then called § 87(2)(b) an “idiot,” a “fucking moron,” a “fucking retard,” a “stupid motherfucker” and shows that he asked § 87(2)(b) if he was “fucking retarded.” Aside from being “worked up,” PO Olsen could not provide any other reason as to why he made these statements. The footage also shows that PO Olsen said, “Do you think I’m fucking retarded?” and, “This is fucking – God gave us this one.” PO Olsen did not know why he made these statements. The footage also shows that after § 87(2)(b) was handcuffed, PO Olsen said, “Stay down, I didn’t tell you to get the fuck up.” PO Olsen said this because § 87(2)(b) was moving around and trying to sit up. When asked what § 87(2)(b) was doing to try and sit up, PO Olsen said he did not know what § 87(2)(b) was trying to do at that time. The footage also shows that PO Olsen told § 87(2)(b) to, “Stop fucking around.” PO Olsen said that at the time, § 87(2)(b) was “moving around” and reaching towards his rear pants pocket for his cell phone. The footage shows that PO Olsen then tossed § 87(2)(b)'s phone onto the ground. PO Olsen said he did so “just to get [the phone] away from § 87(2)(b).” The footage then shows that PO Olsen again referred to § 87(2)(b) as a “moron.” Aside from being “worked up,” PO Olsen could not provide any other explanation of why he referred to § 87(2)(b) as a moron. The footage then shows that PO Olsen asked § 87(2)(b) if he was going to act like a gentleman or if he needed to “treat § 87(2)(b) like an animal again.” PO Olsen maintained that his statement did not have anything to do with § 87(2)(b)'s race and that the statement was regarding § 87(2)(b)'s behavior, which PO Olsen felt was “animalistic.” The footage shows that PO Olsen searched § 87(2)(b) and emptied the contents of § 87(2)(b)'s pockets onto the ground. Surveillance footage shows that PO Iorio subsequently ran over § 87(2)(b)'s belongings as he drove the motorcycle from the scene [see BR 20 at 16:43:24 hours]. § 87(2)(g)

§ 87(2)(b) PO Olsen did not know why he put § 87(2)(b)'s property on the ground, but said he needed to empty § 87(2)(b)'s pockets to ensure he did not have anything dangerous on him. The footage then shows PO Olsen say to § 87(2)(b) “You really thought you were going to get away from me on this piece of shit bike? You’re fucking crazy.” PO Olsen said he referred to the motorcycle as a “piece of shit” because it did not have a key and was “pretty beat up.” Aside from being “worked up,” PO Olsen could not provide any other explanation of why he referred to § 87(2)(b) as “fucking crazy.” PO Olsen is then heard stating, “I think I pressed Premium when I put his face into [the gas pump].” PO Olsen denied

that he put § 87(2)(b)'s face into the pump or that § 87(2)(b)'s face made any contact with the gas pump and said he made the comment because he was “joking around.”

PO Olsen's BWC footage from the stationhouse [BR 06] shows that while at the front desk, § 87(2)(b) said he was “getting sleepy” and PO Olsen replied, “What the hell does that mean?” While still standing with § 87(2)(b) in front of the desk, PO Olsen told another officer that he was burned on § 87(2)(b)'s motorcycle and said, “God dammit.” PO Olsen could not provide any reason of why he used either form of profanity. Later, as PO Olsen lodged § 87(2)(b) in the holding cells, PO Olsen commented that it was “dark as shit.” PO Olsen said that he was referring to the darkness of the holding cell area but said there was no reason why he used profanity and said he “just cursed.” The footage also shows that PO Olsen then asked § 87(2)(b) if he had “been an asshole.” PO Olsen again could not provide a reason of why he made the statement and said he “just cursed.” Towards the conclusion of his interview, PO Olsen said that he used “a lot of words he shouldn't have” during this incident and said there was “no reason for it.”

As mentioned above, PO Olsen's BWC footage from the scene of the arrest shows that PO Grant told § 87(2)(b) that he put expensive gas in his motorcycle and then said, “Holy shit.” Prior to reviewing PO Olsen's BWC footage, PO Grant did not recall making this statement. Upon reviewing the footage, PO Grant said he could not recall why he made the statement. PBA Representative Kate Conlon asked PO Grant if he used the expression in a derogatory fashion or if he was merely commenting that the gas was expensive. PO Grant confirmed he was only commenting that the gas was expensive. The footage also shows PO Grant referring to § 87(2)(b)'s decision to get on the motorcycle as “stupid.” Prior to reviewing the BWC footage, PO Grant did not recall making this statement. After viewing the footage, PO Grant said he made the comment because § 87(2)(b)'s decision to get on the motorcycle and flee from police was “stupid.”

NYPD Patrol Guide Procedure 203-09 states that officers are to interact with members of the public in a professional manner [BR 23].

NYPD Patrol Guide Procedure 203-10 states that officers forbidden from making discourteous or disrespectful remarks regarding another person's ethnicity, race, or disability [BR 24].

As cited above, NYPD Patrol Guide Procedure 221-01 states that officers may use force when it is reasonable to place a person in custody. The force must be reasonable under the circumstances.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(4-b) § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party [BR 27].
- PO Olsen has been a member of service for nine years and has been a subject in three CCRB complaints and four allegations, one of which was substantiated:
 - 201605124 involved a substantiated allegation of a vehicle search against PO Olsen. The Board recommended Formalized Training and the NYPD imposed Formalized Training.
 - § 87(2)(g)
- PO Grant has been a member of service for six years and has been a subject in five CCRB complaints and 11 allegations, none of which were substantiated. § 87(2)(g)
- PO Iorio has been a member of service for five years and has been a subject in one CCRB complaint and one allegation which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for Mediation.
- A Notice of Claim was submitted to the New York City Office of the Comptroller on September 13, 2019, and will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Squad No.: ___7___

Investigator: _____
 Signature Print Title & Name Date

Squad Leader: _____
 Signature Print Title & Name Date

Reviewer: _____
 Signature Print Title & Name Date